

APPROVED: Meeting No. 13-82

ATTEST:

Helen M. Hereghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 11-82

March 22, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, March 22, 1982, at 8:00 p.m.

PRESENT

Mayor pro tem John Tyner

Councilman Steve Abrams

Councilman John Freeland

ABSENT

Mayor William E. Hanna, Jr.

Councilwoman Phyllis Fordham

The Mayor pro tem in the Chair.

In attendance: City Attorney Roger Titus; City Manager Larry Blick; City Clerk Helen Hereghan; Assistant City Attorney Paul Glasgow; Superintendent of Licenses and Inspection Paul Radauskas; Director of Planning James M. Davis; Assistant City Manager Daniel Hobbs; Director of Recreation and Park Ronald Olson; Information Officer Sue M. Patterson; Director of Finance John Lawton; Director of Community Development and Housing Assistance Douglas Horne; Director of Public Works Robert Goodin.

Re: City Manager's Report

Mr. Blick reported the following:

1. The building at 301 East Jefferson Street is being raised by Montgomery County. This is the quonset hut type structure at the corner of Monroe and Jefferson. This space will be cleared for additional parking.
2. The staff briefing and information session on the Town Center Plan will be held Monday, March 29, at 7:30 p.m., here in the Council Chamber.
3. The Human Rights Commission will sponsor a community forum on employment on Tuesday, March 30, at 7:30 p.m., here at Rockville City Hall.
4. The State legislation concerning cable television, HB 1280, is experiencing some difficulty. The Senate Bill, SB 872, received a favorable report in committee. The City has asked its delegates to support enactment of the legislation. The County Attorney has advised the County Executive to halt

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the franchising process for cable television unless the legislation passes, due to the liability problems.

5. Mr. Blick regretfully announced that Bob Peters, manager of the Civic Center Mansion, will be leaving the City's employ on May 3 to join the Marriott Corporation in its hotel management field. Bob has been at the Civic Center for two and a half years and has done an exemplary job. Marriott presents him with a better potential for professional growth.

Mayor pro tem Tyner expressed the regrets of the Mayor and Council at Bob's leaving the City.

Re: Introduction of Ordinance: To
Revise and Amend Appropriation
Ordinance for FY 82

On motion of Councilman Freeland, there was introduced upon the table an Ordinance revising and amending the Appropriations Ordinance for FY 82, said Ordinance to lay over at least one week before final action is taken.

Re: Approval of Recommendations
concerning disposition of Dawson
House

The City acquired through dedication approximately five acres of former farm land from John H. Pettit during the summer of 1981, which is known as the Dawson Farm Park. On this public parkland is an historic Victorian-style country cottage farmhouse built in 1874, which is believed to be the original Dawson family residence, and at which time the farm also covered a large area of the City.

The Mayor and Council required that the house be placed within the Rockville Historic District. It is the intent of the Department of Recreation and Parks to try to preserve and restore this historic house if at all possible since it is one of the few remaining links to the City's agricultural past.

The City has two realistic options: 1) renovate and preserve the house, or 2) demolish and establish a historical marker at the site.

There are two staff recommendations that will achieve the preservation objective:

1. That the Mayor and Council authorize the City staff to negotiate an agreement with Peerless Rockville to restore the Dawson Farmhouse and that the Mayor and Council loan Peerless the necessary funds to restore the house. Also, that the house be sold to a private owner with certain covenants included in the sale agreement to protect the house for the future, and to make it available for occasional public viewing. Finally, the house would be sold without any adjoining land, and the house would be surrounded by public parkland.

Peerless Rockville would be required to repay the loan to the City after the sale of the unit, including any profit attained.

2. That the City sell the house to the highest bidder with the requirement that the house be renovated up to code and restored in an acceptable manner. Peerless Rockville could be contracted with to handle the restoration supervision and other requirements as appropriate.

Staff favors recommendation concept No. 2 because the City would not have to provide up front funds to renovate the structure. After an approach is decided upon, the details will be worked out along with appropriate negotiations that would be necessary including the involvement of the City Property Negotiator, Planning staff and Licenses and Inspections.

Mr. Olson, Director of Recreation and Parks, showed slides to the Council and briefed them on the history of the house. He answered questions the Council posed on bringing the property up to code and the expected market value and profit that could be realized once the property were renovated and sold. Eileen McGuckian of Peerless Rockville told the Council that it is Peerless' wish that the home be preserved. Mr. Tyner asked how quickly the staff proposal could be accomplished. Mr. Olson said it would take at least 14 days to get the proposals out so it would be two months before rehabilitation could begin. Councilman Abrams said it would seem there is no certainty in either recommendation, but if a good bid were not received, the Council could drop back to the first recommendation. Keeping that in mind, he moved that the Council approve alternative 2 with the understanding that the first recommendation be explored if the second one does not work. The motion died for lack of a second. Councilman Freeland said the issue has come up before but Peerless has never been in a financial position to handle such a purchase. Mrs. McGuckian said the Montrose School is one of Peerless' project under its five-year plan and Peerless had hoped that this farmhouse might provide a basis for a revolving

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fund by which the society can purchase properties, renovate them and sell them in the interest of preservation. Councilman Freeland suggested that the City could start this process by deeding the Dawson House to Peerless Rockville. The City Manager cautioned that there might be no profit realized to go into a revolving fund. The discussion continued on the present value and restored value of the farm house, considering the fluctuating market values and soaring interest rates at this time. Councilman Freeland suggested alternative 1 be pursued but with far more detail. He asked that the staff get together with Peerless Rockville and look into a plan that would protect the City legally and come back to the Mayor and Council with a finite proposal within thirty days. The City Manager said they might be back sooner than that. Council agreed to this suggestion.

Re: Review of Proposed testimony
re I-370 project

The Maryland State Highway Administration is holding a public hearing on Tuesday, March 30, 1982, at 7:30 p.m., at Gaithersburg High School on the proposed construction of I-370. The purpose of the hearing is to present study findings regarding the engineering, social, economic and environmental impacts for the alternatives selected and to hear public comment on the Draft Environmental Impact Statement.

Mayor pro tem Tyner asked Gaithersburg's stand on I-370. Mr. Davis said they agreed with Rockville. Mayor pro-tem Tyner suggested that the Chairman of the Traffic and Transportation Commission be asked to present the testimony.

Re: To establish new fees for building,
plumbing, gas, mechanical, and electrical
permits, and amend Res. No. 5-82, Sec. 9
regarding sign permit applications.

Resolution No. 8-82

Councilman Abrams asked if these fees were in line with other jurisdictions. Mr. Radauskas said they are all raising their fees.

On motion of Councilman Freeland, duly seconded and passed by unanimous vote of all present, Resolution No. 8-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council raising the permit fees for building, gas, mechanical, electrical, plumbing, and sign permits, was adopted by the Mayor and Council.

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Re: Review of City's position re Council
of Governments Water Resources
Planning Board's Charter Amendments

On February 8, 1982, the City received a formal notice of a pending amendment to the operating Charter of the Water Resources Planning Board (WRPB). The City has 90 days within which to respond to the proposed amendments. Failure to act within this period is deemed to be approval by the City. The staff has reviewed the proposed amendments and recommends that the City disapprove the amendment in its entirety.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the Council concurred with the staff's recommendation to disapprove the amendments to the Water Resources Planning Board Charter.

Re: Approval of Preliminary Design
for Multi-purpose Lake

Mr. Rod LaFever, engineer with the City, and Mr. Cranston, consultant to the City, showed the Council a map and sketches of a proposed lake on a 36 acre site in the area of I-270 and the North Farm development, proposed to be built as a storm water management facility and also to be used for recreational purposes. There were many questions asked of Mr. Cranston concerning the development of the surrounding properties when additional land is used and additional cost. Mr. Cranston, in answer to Councilman Freeland's question said it would take another year before fees, permits, etc., were in order and then it would take a year for construction. Mr. Cranston, in answer to Mayor pro tem Tyner's question about trees said 16 acres would need to be cleared, some of which is quite sparse or almost clear. Mayor pro tem Tyner asked about the citizen participation in the planning. Mr. LaFever explained the citizens had not been invited yet. Mayor pro tem Tyner said he is concerned with the impact on the North Farm development and a little uncomfortable with the expansion in that particular area. Councilman Freeland said he would prefer to see a written summary of the staff's presentation and a meeting with the North Farm neighborhood before the project is brought back to the Mayor and Council. He suggested that the storm water management system be explained to the citizens and the steps that led to the present plan, including the fact that it will be used as an emergency water supply.

Re: Citizen's Forum

The Mayor pro tem opened the meeting to those citizens who wished to address the Mayor and Council.

1. Kathleen Morrison, President of the Fallsmead Citizens Association. Mrs. Morrison expressed her concern with the bikeway plan and the phasing in of its segments along Ritchie Parkway. She said in that section of the City the community is most interested in the bikeways. Falls Road to Seven Locks has its path completed so that people can go to the shopping center on Seven Locks Road quite easily; however, no pathway then exists from Falls Road to Fallsmead and it is quite a dangerous portion of the road. There is a sidewalk from Fallsmead to Green Place so that bike traffic is safe again but then the sidewalk ends and there is no bikeway from there to the shopping center. She urged the Mayor and Council to attempt to treat it in its entirety and do so quickly for the safety of the bike riders. Mayor pro tem Tyner asked if it were not possible to fund the entire portion which did she consider the most important. She said the section from Falls to Fallsmead should be first, then that portion that reaches the shopping center.

2. Evelyn Roberts, 530 Azalea Drive. Mrs. Roberts said that she heard no mention of a seismology test when the lake was discussed and that should be done. She is concerned, having seen some bad land sites and concerned about the area being developed around it. She wondered if runoffs could break through a dam when constructed.

3. Dov Krimgold, 307 Nelson Street. Mr. Krimgold told the Council that he is worried the country may be facing a nuclear holocaust and the President may not be taking it seriously. Senator Mathias passed a resolution asking for a freeze in reduction in nuclear forces. He asked the Council consider passing a resolution which supports Senator Mathias' resolution. Mayor pro tem Tyner thanked Mr. Krimgold for his interest and noted that Garrett Park is considering the same type of resolution.

4. Ken Reichard, 137 Monument Street. Mr. Reichard said that he had previously lived at 1510 Broadwood Drive and 319 South Horners Lane and has been a long-time resident of the City of Rockville. He said he has an extremely difficult problem existing on his street concerning parking due to the use of the park across the street. There are times when it is impossible for him to enter his driveway

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due to cars blocking it and the driveway next door. He showed the Mayor and Council pictures taken when cars were parked on the street. The City Manager will look into it.

5. An unidentified citizen told the Council that Lake Occokeek in Fairfax County needs to be cleaned every two years so the City should make sure there is a good drainage system installed in its lake so cleaning will not be necessary.

There being no other citizen wishing to be heard, the Mayor pro tem closed the citizen's forum portion of the meeting.

Re: Correspondence

The Council noted the following items of correspondence:

1. James O. Granum, re Town Center
2. Letters acknowledging Mayor's letter to support the gasoline tax
3. Energy Commission re Town Center

Mayor pro tem Tyner said he was glad to have the Energy Commission's information.

4. Richard Haight, re Town Center
College Gardens Civic Association, re Town Center
Jeryl Gegan, re Town Center
7. R. Pyle, Human Rights Commission, re Community Forum

Re: Information Items

The Council noted the following items of information:

1. Planning Director's schedule for neighborhood plans
2. Maryland Municipal League information
3. Recreation and Parks Guide and various flyers
4. Copy of letter to City Manager requesting service
5. Police activities report
6. Community Resources Department status report
7. Memo re B&O Railroad station
8. Memo re grant for van for the handicapped

The Council deplored the conditions necessary in order for the City to make application for this grant. Councilman Abrams noted that Section 13c of the UMTA legislation says that transit workers must be indemnified. This was begun to protect public employees when private bus lines were started. It is now completely out of hand. He shared the staff's frustration. He suggested that this information be sent to our elected representatives with a letter asking them if this is what they intended when the legislation was

8. Memo re grant for van for the handicapped (cont'd)

passed. Councilman Freeland noted that by the time the City fulfills all their requirements, the grant becomes too costly. He asked that the grant be withdrawn and the item be placed in the CIP. Councilman Abrams also asked that the staff calculate the City's expense in grant appropriation to date.

Re: New Business

1. The staff presented draft testimony to the Mayor and Council to be presented at the public hearing by Montgomery County Council on the Operating Budget. Mr. Blick suggested that included in the testimony be the mention of the unsure date and the delay of Metro and a request that the County not delay their ride-on system accordingly. Mayor pro tem Tyner agreed to give the testimony on Monday, March 29.

2. The City Manager explained that he has before the Council an offer of sale of land contract prepared for the purchase of land from Harry Lerch consisting of 1.35 acres required for the relocation of East Ritchie Parkway in the amount of \$621,800. He asked the Mayor and Council approve the option with the provision that they not go to settlement on the property until such time as has assurance of obtaining advanced acquisition funds from Montgomery County. On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the Council agreed to the City Manager's recommendation.

3. The City Manager told the Council that there is the possibility the City can have drawn an alternate redistricting plan for \$800 to \$1,000 by Pam Brewington and Associates. He asked for authority to make the arrangements. Mr. Hobbs explained that Ms. Brewington has a computer firm that specializes in demographics. He said he had contacted Dr. Florestano of the University of Maryland who has done two studies on redistricting and also the Maryland Municipal League and the ICMA who had no consultant system yet. He had also talked with Mr. Ned Dolan who has time constraints. Ms. Brewington's price and time schedule seemed the best for the City. Councilman Abrams asked if Mr. Hobbs had a client list from Ms. Brewington. Mr. Hobbs said no, but she had been a former member of the County Board of Elections and also is a specialist in health matters.

On motion of Councilman Freeland, duly seconded and passed Councilman Abrams abstaining, the City Manager was authorized to spend up to a \$1,000 to contract for Ms. Brewington's services to draft an alternate redistricting plan.

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Mr. Titus asked what would be the Mayor and Council's pleasure when the results came in. Mr. Titus was cautioned that no decision could be made until the plan is ready. Once the Council sees it and discusses it, they will tell Mr. Titus in plenty of time for action to be taken.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 8-82, were approved as written.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was adjourned for executive session to discuss possible litigation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:15 p.m. to convene again at 7:00 p.m. on Monday, March 29, to discuss redistricting and at 8:00 p.m. on April 12, 1982, for general session.